

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (FM) ECF Case
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This document relates to:

Ashton, et al. v. al Qaeda Islamic Army, et al., 02-CV-6977 (GBD)(FM)

Andrew J. Maloney, Esq., hereby states under penalty of perjury that:

1. I am an attorney representing the *Ashton* plaintiffs in the above-captioned litigation, and I submit this declaration in support of the Notice of Motion to Vacate final judgments on behalf of Antionette Tammome and Anthony Porrazzi.

2. The source of my information and the basis for my belief in my statements contained herein are my personal involvement in this matter, my firm's representation of the *Ashton* plaintiffs in connection with the September 11th litigation against the airline defendants, other court records relating to the multi-district litigation to which the *Ashton* plaintiffs are parties and conversations had with family members to the *Ashton* plaintiffs. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

3. This declaration and the attached proposed Order and revised Exhibit A are submitted in response to this Court's January 25, 2017 Order directing the *Ashton* plaintiffs to explain why Plaintiffs seek to withdraw their claims for solatium damages on behalf of Antionette Tammome and Anthony Porrazzi.

4. Ms. Antionette Tammome and Mr. Anthony Porrazzi were the parents of Ms. Bettina Browne-Radburn, who was killed in the September 11, 2001 terrorist attacks.

5. In connection with the liability judgment obtained against the Islamic Republic of Iran, and given the time sensitive requirements for participation in the fund established to

compensate victims of Iranian-sponsored terrorist attacks, counsel moved for final damages judgments on behalf of the victims of the 9/11 attacks, as well as their immediate family members.

6. In moving for final damages judgments, we relied on our records for Ms. Browne-Radburn which dated to 2004 and contained information about her including details about her parents and her stepchildren, Liam and Eamonn Radburn.

7. We made several attempts to reach Ms. Browne-Radburn's survivors at all of the phone numbers and addresses we had for them. Following many unsuccessful efforts to update and verify the file information, and with Iran fund deadlines approaching, we moved for final default judgments for all of those family members identified in our file.

8. On October 31, 2016, this Court granted final default judgment for solatium damages to the family members of ten 9/11 wrongful death victims, including Antionette Tammome and Anthony Porrazzi.

9. Following the Court's October 20, 2016 Order allowing Plaintiffs to submit detailed affidavits regarding the relationship between 9/11 victim Bettina Browne-Radburn and her stepsons, Eamonn and Liam Radburn, Plaintiffs' counsel finally made contact with Ms. Browne-Radburn's former husband, whose addresses and telephone numbers had changed several times over the last decade.

10. Counsel learned that Antionette Tammome and Anthony Porrazzi had predeceased Ms. Browne-Radburn, information not reflected in our firm's records

11. Upon confirming this information, Plaintiffs concluded that the decedent's parents were ineligible for solatium damages.

12. As a result, counsel for the *Ashton* plaintiffs moved to withdraw the claims for Antionette Tammome and Anthony Porrazzi.

13. Plaintiffs reviewed all other default judgments to ensure no further errors were made and confirmed that all other default judgments were appropriately granted.

14. Accordingly, Plaintiffs now respectfully request that the Court vacate its October 31, 2016 Order for solatium damages as to Antionette Tammome and Anthony Porrazzi only because they are not eligible for solatium damages on the basis that they predeceased their daughter, Bettina Browne-Radburn. Filed herewith is a proposed final judgment and a revised Exhibit A reflecting the requested changes.

Dated: January 30, 2017
New York, NY

/s/ Andrew J. Maloney
Andrew J. Maloney (AM8684)